

Regular Plan Commission Meeting

Meeting Notice and Agenda

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, December 5, 2016
7:00 pm

- I. Call to Order, Pledge of Allegiance, and Roll Call
- II. Public Comment – This is an opportunity for anyone to address the Plan Commission on any issue NOT on the current agenda. *Please observe the time limit of 3 minutes.* While the Plan Commission encourages input from residents, it may not discuss or act on any issue that is not duly noticed on the agenda.
- III. General Business
 1. Discussion and action regarding minutes of regular meeting held September 12, 2016.
 2. Consideration of a request from Incredible Cars LLC for a Conditional Use Permit as a Vehicle Sales use located at 2563 Main Street.
 - a. Public Hearing**
 - b. Discussion and action to make a recommendation to the Village Board
- IV. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or cstene@cross-plains.wi.us.

Regular Plan Commission Meeting

Meeting Minutes

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, September 12, 2016

7:00 pm

I. Call to Order, Pledge of Allegiance, and Roll Call

President Andreoni called the meeting to order at 7:01 pm.

Present: Commissioners Judy Ketelboeter, Todd Duquette, Ron Hilmonowski, Mitch Hogan,
President Andreoni

Not Present: Commissioners Cliff Zander, Randy Case

Also Present: Village Planner – Mike Slavney, Jenny Dechant, Kelly Thompson, Glen Wipperfurth,
and Jerry Grey

II. Public Comment – None.

III. Consent Agenda – A motion was made by commissioner Duquette, seconded by
Commissioner Hogan to adopt the consent agenda as follows:

1. **Approval of minutes for the regular meeting held August 1, 2016.**

IV. General Business

1. **Discussion and action to make a recommendation to the Village Board regarding a request from the West Gateway Inc. for a Specific Implementation Plan (SIP) for 1812-1904 Main Street in order to construct a mixed use residential and commercial building as a Planned Development (PD).**

- a. Following discussion, a motion was made by Commissioner Ketelboeter, seconded by Commissioner Hilmonowski, and unanimously carried by the Plan Commission to recommend approval to the Village Board regarding a request from West Gateway Inc. for a Specific Implementation Plan (SIP) for 1812-1904 Main Street to construct a mixed use residential and commercial building as presented to the Plan Commission.

2. **Discussion regarding a Development Concept from Kontext Architects for 2106-2109 Water Street in order to construct a commercial building as a Mixed-Use Main Street Development.** A presentation was made by Kontext Arhitect, Kelly Thompson

regarding the design concept for 2106-2109 Water Street to construct a commercial mixed use building. Kontext Architects and Kalscheur Implement will continue to work with staff to complete the proposed development.

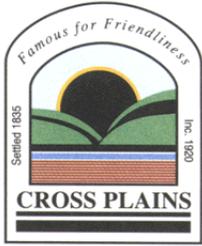
V. Adjournment

A motion was made by Commissioner Duquette, and seconded by Commissioner Hilmonowski, and unanimously carried by the Plan Commission to adjourn the meeting at 7:48 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meeting Law.

Respectfully submitted,

Michael K. Axon, Interim Village Administrator/Parks and Recreation Director



Village of Cross Plains
PO Box 97, 2417 Brewery Road
Cross Plains, WI 53528
Phone: (608) 798-3241
Fax: (608) 798-3817

Memorandum

To: Plan Commission
From: Caitlin Stene, Zoning Administrator
Date: November 29, 2016
Re: **Incredible Cars** – Conditional Use Permit Request

Executive Summary

The Village is in receipt of a request from Incredible Cars, LLC to increase their vehicle sales business display area located at 2563 Main Street. The business received a conditional use permit for their operations in June 2015. The current conditional use permit is attached as Appendix A for reference. The property is located within the Community Mixed Use (CMU) Zoning District and potentially allows for Incredible Cars as a “Vehicle Sales” land use. Vehicle Sales are a conditional use within the CMU Zoning District.

Any physical enlargement of a previously approved conditional use in terms of buildings, structures, activity areas, and/or any expansion of the conditions of operation must seek an amendment to its conditional use permit through the conditional use process. Expansion of the pavement on the site, which is being proposed, is a physical enlargement of the previously approved conditional use requiring the review and recommendation by the Plan Commission to the Village Board.

This memorandum will summarize the request and serve as the official Staff Report by reviewing the submittals against the relevant sections of the Zoning Code.

Project Background

The property is the former location for the Hair Chamber which was a beauty salon and hair cut business for several years prior to being leased by Incredible Cars for their business operations. The improvement proposed to the site include adding pavement to the north (1,120 square feet), west (900 square feet), and east (1,470 square feet). Additionally, a small strip of pavement on the south will be removed (266.5 square feet). All together the net new pavement is proposed to be 2,418 square feet. The sales area would consist of an estimated 3,569 square feet which is proposed to allow for approximately 40 to 45 vehicles to be displayed. The proposed site plan continues to provide 4 spaces dedicated to user parking. Enclosed with this memorandum as Appendix B, is their application for a Conditional Use Permit as required by the Zoning Code.

Code Review

Chapter 84 - Article II - Section 84.35: CMU Community Mixed Use District (Appendix C)

The CMU District is intended to provide a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character. By definition, the Incredible Cars proposal is allowed only with the granting of a conditional use permit as a Vehicle Sales land use (Section 84.35(c)(21)). Incredible Cars was granted a conditional use permit in 2015

which allows for the vehicle sales land use on their site. The current request does not include any changes to the building footprint. The proposal currently is to increase the pavement on-site to allow for additional space for vehicle displays. The application as proposed requires further review within Article III (Land Use Regulations), VI (Overlay Zoning Districts), Article VII (Performance Standards), Article VIII (Landscaping Regulations) and IX (Administration and Procedures). Additionally, while this redevelopment is disturbing less than 4,000 square feet of land, technical staff believes it is important given the overall size of the pavement area to include stormwater control for the site (chapter 64 of the Village code). The Plan Commission may also levy additional conditions on the application through the process defined in Appendix H. The project as proposed appears to meet all aspects of the CMU Zoning District for existing facilities as presented to the Plan Commission.

Chapter 84 - Article III - Section 84.58(s): Vehicle Sales (Appendix D)

This portion of the code defines the land use and parking requirements necessary to support the use requested. The applicant included a response to each requirement in their submittal listed in Appendix B under Subsection B on page 2. The sales area will be delineated by striping the parking lot to provide for an estimated 3,569 square feet of vehicle sales space. They may only park operable vehicles within the defined sales area and may not use the landscaping areas for any activity, including car display. The parking calculation requires at least 4 spaces which will allow for one handicap, one employee space, and two spaces for customers. The use as proposed appears to meet all aspects of the Land Use requirements for Vehicle Sales as presented to the Plan Commission.

Chapter 84 - Article VI - Section 84.94: (GW-O) Groundwater Protection Overlay Zoning District (Appendix E)

A portion of the property falls within Zone C of the Groundwater Protection Overlay District as defined on the enclosed map. This does include the building. Note that the proposed use is not prohibited and could be allowed as a conditional use, the same as what the underlying district requires for Vehicle Sales land uses. The use as proposed appears to meet all aspects of the Land Use requirements for Zone C within GW-O.

Chapter 84 - Article VII - Section 84.106: Exterior Lighting Standards (Appendix F)

The proposed site plan will need to comply with the exterior lighting standards as outlined in the code. At this time, the site plan does not provide enough detail to determine if it is in compliance. Staff recommends a condition of the permit be the need for a photometric plan for the new lighting structure.

Chapter 84 - Article VIII – Section 84.133 (b) Landscaping Requirements – Paved Areas (Appendix G)

The proposed site plan will need to comply with landscaping requirements set forth in the “paved areas” section of the code. This area states that the site will need a total of 40 landscaping points with a minimum of 30 percent of the points devoted to medium or tall trees, or a combination of such trees, and a minimum of 40 percent of the points devoted to shrubs. The site plan includes planting two blue spruce trees west of the front sales area and four bushes around the exiting building. The landscape plan appears to meet all aspects of the Landscaping Requirements for paved areas.

Chapter 84 - Article IX - Section 84.161: Conditional Uses (Appendix H)

The proposal to locate a Vehicle Sales Use (i.e. – Incredible Cars) on this property is allowed only through a conditional use permit. There are certain uses defined within the code, which because of their unique characteristics make them impractical to predetermine their permissibility. In these

cases, specific standards, regulations, and/or conditions may be established by the Plan Commission and Village Board upon review of a request for a Conditional Use Permit. The application is included with this memorandum as Appendix B. Please note that the application requirements by which a conditional use permit must complete are listed in Section 84.161(d). A Class I notice was published on November 24th in the News Sickle Arrow as notification of the meeting and public hearing. Notices were also distributed to property owners within 100 feet of the property. The application is sufficient to meet the requirements of the code in order for the Plan Commission to hold the hearing, conduct its review, and consider any conditions.

Chapter 65 – Erosion Control and Stormwater Management

While this redevelopment is disturbing less than 4,000 square feet of land, technical staff believes it is important given the overall size of the pavement area to include stormwater control for the site. The applicant has added clear stone infiltration tranches along the proposed pavement on the north, south, and west of the site. Technical staff feels comfortable with this proposed stormwater control technique. Staff asks that the stormwater management control infiltration system and its continued maintenance be added as a condition to the permit.

Zoning Administrator Review

The Zoning Administrator is required to evaluate the completed application against the provisions of 84.161(e)(3) as follows:

- a. *Is in harmony with the recommendations of the Comprehensive Plan* – The subject property in question is currently adjacent to US Highway 14 (Main Street). The Future Land Use Map designates this property as “Planned Business” which is consistent with the intended use as well as its current zoning. The discussion previously when granting the current conditional use permit highlighted the areas of which the proposal failed to meet some objectives of the Comprehensive Plan. The then Zoning Administrator stated that the proposed use may be in conflict with the Comprehensive Plan. Ultimately, the conditional use permit was granted to the business with knowledge of the Comprehensive Plan objectives.
- b. *Will result in a substantial or undue adverse impact on nearby property...* – As Zoning Administrator, it is my opinion that this business and use will not have an adverse impact on neighboring properties. In fact, the addition of pavement will mitigate any overflow car displaying that has happened in the past on neighboring properties.
- c. *Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property* – The proposed use continues to operate a vehicle sales business on the property which was allowed under the current conditional use permit.
- d. *The conditional use is located in an area that will be adequately served by public improvements* – The property is well served and further enhanced by public improvements, especially with the completion of Highway 14 in 2015.
- e. *The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use* – The proposal continues the operation of a business along Main Street, which when originally proposed filled a vacancy on street. During the previous conditional use permit process in 2015, the former Zoning Administrator outlined an opinion that based on the information presented

there was not enough public benefit to support the application. Ultimately a conditional use permit with specific requirements was approved and issued to Incredible Cars. The current proposed site plan includes landscaping and stormwater management. Additional information is needed regarding the sites exterior lighting. The Plan Commission will need to discuss all areas of this proposal and its relation to the code when determining public benefit and its recommendation to the Village Board.

Recommendation

Village Staff recommends holding the public hearing, reviewing the application, consideration of the Staff Report, and making a recommendation to the Village Board.

Staff recommends consideration of the following terms and conditions to the conditional use permit:

- The Conditional Use Permit shall be issued to one or both owners of Incredible Cars LLC;
- Vehicles shall not be displayed nor parked at any time on property depicted as greenspace on the Site Plan;
- Vehicles may be reconditioned on site but they may not be repaired on site;
- General outdoor storage of inoperable vehicles, equipment, parts or other items is prohibited with exception to those operable vehicles for sale and the use of the customer/employee parking;
- Applicant shall meet the requirements of Section 84.106 of the Zoning Code as it relates to exterior lighting subject to further negotiations with the prospective landlord for any new or replacement light fixtures;
- Applicant shall install and maintain a stormwater management control infiltration system as shown on proposed site plan and approved by Village Staff; and
- The written staff report prepared by the Zoning Administrator is hereby received and accepted, as modified by conditions added by the Plan Commission or Village Board.

Appendices

Appendix A – Current Incredible Cars Conditional Use Permit

Appendix B – Application for Conditional Use Permit, Site Plan, and Other Submittals

Appendix C – Section 84.35: (CMU) Community Mixed Use District

Appendix D – Section 84.58(s): Commercial Land Uses (Vehicle Sales)

Appendix E – Section 84.94: (GW-O) Groundwater Protection Overlay Zoning District

Appendix F – Section 84.106: Exterior Lighting Standards

Appendix G – Section 84.133 (b) Landscaping Requirements – Paved Areas

Appendix H – Section 84.161: Conditional Use

Appendix A

Village of Cross Plains

2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241 – (608) 798-3817 fax

Conditional Use Permit

PERMIT issued this 22nd day of June, 2015, between the Village of Cross Plains, a municipal corporation with its principal office located at 2417 Brewery Road, Cross Plains, Wisconsin 53528 ("Village"), and Incredible Cars LLC, His heirs, successors or assigns, Jacob Sivertson and/or David Morrill.

WHEREAS, Incredible Cars LLC leases ~~owns~~ property at 2563 Main St., otherwise known and described as used car dealership, Village of Cross Plains, Dane County, Wisconsin, Tax Parcel No. 0707-034-8047-1, located in the Community Mixed Use (CMU) zoning district, and has applied for a Conditional Use Permit for a Vehicle Sales use on this property; and

WHEREAS, the Plan Commission, reviewed the application for the Conditional Use Permit and found that the conditions required by section 84.35, 84.58(s), 84.94, 84.161 of the Village Code were met; and

WHEREAS, the Plan Commission recommended to the Board of Trustees approval of a Conditional Use Permit for a Vehicle Sales use; and

WHEREAS, the Board of Trustees reviewed the findings of the Plan Commission and approved the recommendation of the Plan Commission, based upon the standards contained in - 84.35, 84.58(s), 84.94, 84.161 of the Village Code.

NOW, THEREFORE, in consideration of the granting of the Conditional Use Permit to Incredible Cars LLC conditioned upon the following:

Subject to the conditions adopted by the Village Board for the Village of Cross Plains detailed in the attached minutes from the meeting held June 22, 2015.

agrees to follow and abide by these conditions, and acknowledges that any violation of such conditions shall subject him to the penalty provisions of the Village of Cross Plains Zoning Ordinance, and shall be cause for revocation of such permit.

STATE OF WISCONSIN: DANE COUNTY: VILLAGE OF CROSS PLAINS

A resolution authorizing a conditional use to permit vehicle sales land uses at property located at 2563 Main Street, Village of Cross Plains

RESOLUTION NO. 10-2015

The Board of Trustees of the Village of Cross Plains does hereby resolve as follows:

WHEREAS, 2563 Main Street is currently zoned Community Mixed Use CMU and has been used as such since development;

WHEREAS, 2563 Main Street (0707-034-8047-1) is to be occupied by Incredible Cars LLC;

WHEREAS, business owners Jacob Sivertson and Dave Morrill will be leasing the use of the facility/property from Property Owner Caryl M. Zander Irrev Tr. in order to start their business at this location;

WHEREAS, the intended land use is for Vehicle Sales and a Conditional Use Permit is required to permit this use within CMU zoning district for this property;

WHEREAS, the application is in compliance with the Village Comprehensive Plan and Village Zoning Code (Chapter 84); and

WHEREAS, a public hearing has been held and a Staff Report filed by the Village Zoning Administrator, and the Plan Commission has recommended approval of the Conditional Use to the Village Board upon certain terms and conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Cross Plains approves a conditional use permit to permit a Vehicle Sales Land Use within Community Mixed Use CMU zoning district at 2563 Main Street, subject to the following terms and conditions:

1. The Conditional Use Permit shall be issued to one or both owners of Incredible Cars LLC;
2. Vehicles shall not be displayed nor parked at any time on property currently used as greenspace;
3. Vehicles may be reconditioned on site but they may not be repaired on site;

4. General outdoor storage of inoperable vehicles, equipment, parts or other items is prohibited with exception to those operable vehicles for sale and the use of the customer/employee parking;
5. Applicant shall meet the requirements of Article VIII of the Zoning Code as it relates to landscaping subject to further negotiations with the prospective landlord;
6. Applicant shall meet the requirements of Section 84.106 of the Zoning Code as it relates to exterior lighting subject to further negotiations with the prospective landlord; and
7. The written staff report prepared by the Zoning Administrator is hereby received and accepted.

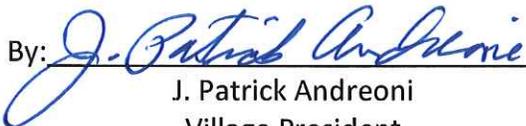
BE IT FURTHER RESOLVED that the Village Administrator/Clerk-Treasurer has the authority as Zoning Administrator to effectuate this resolution.

This resolution shall take effect upon its passage and publication or posting as provided by Law.

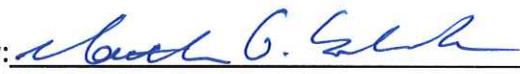
Dated this 22nd day of June, 2015.

Village of Cross Plains:

Attest:

By: 

J. Patrick Andreoni
Village President

By: 

Matthew G. Schuenke
Village Administrator/Clerk-Treasurer

Village Board

Meeting Minutes

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, June 22, 2015
7:00 pm

I. Call to Order, Roll Call, and Pledge of Allegiance

President Andreoni called the regular Village Board meeting to order at 7:00 pm.

Present: Trustees William Brosius, Judy Ketelboeter, Jay Lengfeld, Steve Schunk, Lee Sorensen, Clifford Zander, and President Pat Andreoni.

Also-Present: Joe Gallina, Craig Enzenroth and Eugene Laschinger.

II. Public Comment – None.

III. Consent Agenda – A motion was made by Trustee Brosius, seconded by Trustee Schunk, and unanimously carried by the Village Board to adopt the consent agendas as follows:

1. Minutes of regular meeting held May 18, 2015.

2. Total Disbursements from 5/14/2015 through 6/17/2015 in the amount of \$651,631.94 broken down as follows:

- 110 – General Fund: \$187,557.26
- 120 – Capital Fund: \$77,204.34
- 130 – Library Fund: \$11,840.40
- 140 – Parks/Rec Fund: \$31,539.98
- 150 – Debt Service Fund: \$0.00
- 310 – TID Fund: \$8,912.62
- 660 – Water Utility Fund: \$50,375.45
- 670 – Sewer Fund: \$284,201.86

4. Approval of Temporary Class “B” Licenses as follows:

- “Cross Plains Roar” held by the Cross Plains Lions Club at the American Legion, 2217 American Legion Drive.
- “Parish Picnic” held by St. Francis Xavier Parish located at 2939 Thinnes St.

5. Approval of a Special Event Permit for the Hill and Valley Auto & Americana located at Baer Park on September 19, 2015.

6. Approval of Invoice L37452 for \$80,824.15 and L37453 for \$722,652.60 from Department of Transportation for work related to the reconstruction of Highway 14 (Main Street).

IV. Report of Village Officers

1. Village President

a. Discussion and action regarding 2015 Appointments to Boards, Commissions, and Committees – The Village President made the following appointments (term limit in parenthesis):

- Police Commission – Appoint Dan Layton (2019) to replace Kate Lind.

A motion was made by Trustee Schunk, seconded by Trustee Ketelboeter, and unanimously carried by the Village Board to confirm the appointments made by the Village President.

2. Village Administrator/Clerk-Treasurer

- Stated that the recruitment for a new Police Officer had begun and applications would be accepted through July 17th.
- Commented that the first set of Committee meetings were held in June and will continue with their second meetings in July.

3. Miscellaneous Trustee Reports

- Trustee Brosius commented that the first Parks/Recreation Committee meeting was held on June 8th and will work on the following issues at upcoming meetings: community outreach, becoming the first Ice Age Trail Community, discussing dog park, updating parks plan, and reviewing the conceptual development plan for the Buechner Property.
- Trustee Ketelboeter reminded everyone the World's Fair is scheduled for the weekend of June 26-28.

V. Committee/Commission Recommendations

1. Plan Commission

a. Discussion and action regarding Resolution #10-2015 authorizing a Conditional Use Permit for Incredible Cars LLC as a Vehicle Sales use located at 2563 Main Street – Following discussion, a motion was made by Trustee Ketelboeter, seconded by Trustee Lengfeld, for the Village Board to approve Resolution #10-2015 authorizing a Conditional Use Permit for Incredible Cars LLC as a Vehicle Sales use located at 2563 Main Street. A roll call vote was requested. Yes – Andreoni, Brosius, Ketelboeter, Lengfeld, Schunk, and Sorensen. No – None. Abstain – Zander. Motion carried 6 – 0 – 1.

VI. General Business

1. Presentation and acceptance of the Annual Audit for fiscal year ending December 31, 2014 – Following presentation and discussion, a motion was made by Trustee Sorensen, seconded by Trustee Schunk, and unanimously carried by the Village Board to accept the Annual Audit for fiscal year ending December 31, 2014.

2. Discussion and action regarding the Sewer Usage Rate Analysis and Rate Increase Recommendation prepared by Town and Country Engineering – Following discussion, a motion was made by Trustee Ketelboeter, seconded by Trustee Lengfeld, and unanimously carried by the Village Board to accept the Sewer Usage Rate Analysis and adopt the rate increase as follows:

- Fixed Rate would be set at \$78.
- Variable Rate would be calculated using the established Fixed Rate and projecting cash flow near zero (0).
- The new rate will be implemented as of January 1, 2016.

Trustee Brosius requested Consent Agenda Item #3 be moved to General Business.

A motion was made by Trustee Lengfeld, seconded by Trustee Brosius, and unanimously carried by the Village Board to consider Consent Agenda Item #3 as the third item in General Business.

3. Approval of a Chicken & Honey Bee License for Mellissa Gavin located at 2817 Brewery Rd – Following discussion, a motion was made by Trustee Ketelboeter, seconded by Trustee Brosius, and unanimously carried by the Village Board to approve a Chicken and Honey Bee License for Mellissa Gavin located at 2817 Brewery Road.

3. Consideration of a Development Agreement with The Gallina Companies to redevelop the property located at 1400 Bourbon Road as approved by TIF Redevelopment Grant Application #2015-02:

a. Discussion regarding Development Agreement – Following discussion, a motion was made by Trustee Lengfeld, seconded by Trustee Brosius, and unanimously carried by the Village Board to table action on the Development Agreement until a Special Meeting of the Village Board to be held on Monday, July 6, 2015 at 7:00 pm.

b. The Village Board may meet in Closed Session pursuant to 19.85(1)(e) of Wisconsin Statutes to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically to discuss the Development Agreement – No action was taken on this item.

c. Reconvene into Open Session: To take action, if appropriate, concerning item(s) discussed in Closed Session – No action was taken on this item.

4. Discussion and action regarding the approval/renewal of the following license classes for the period of July 1, 2015 through June 30, 2016:

a. Cigarette – A motion was made by Trustee Lengfeld, seconded by Trustee Sorensen, and unanimously carried by the Village Board to approve the Cigarette License renewals for July 1, 2015 through June 30, 2016.

b. Class A Fermented Malt Beverage and Intoxicating Liquor – A motion was made by Trustee Lengfeld, seconded by Trustee Zander, and unanimously carried by the Village Board to approve the Class A Fermented Malt Beverage and Intoxicating Liquor License renewals for July 1, 2015 through June 30, 2016.

c. Class B Fermented Malt Beverage and Intoxicating Liquor – A motion was made by Trustee Lengfeld, seconded by Trustee Brosius, and unanimously carried by the Village Board to approve the Class B Fermented Malt Beverage and Intoxicating Liquor License renewals for July 1, 2015 through June 30, 2016.

d. Operator's (Bartender's) – A motion was made by Trustee Lengfeld, seconded by Trustee Zander, and unanimously carried by the Village Board to approve the Operator's (Bartender's) License renewals for July 1, 2015 through June 30, 2016. President Andreoni abstained.

5. Discussion and action regarding a Memorandum of Understanding with the Middleton-Cross Plains School District to conduct a traffic study of County Highway P (Church Street) – Following discussion, a motion was made by Trustee Brosius, seconded by Trustee Sorensen, and unanimously carried by the Village Board to approve a Memorandum of Understanding with the Middleton-Cross Plains School District to conduct a traffic study of County Highway P (Church Street).

6. Discussion and action regarding the 2016 Budget Goals, Objectives, Process, and Schedule – Following discussion, a motion was made by Trustee Schunk, seconded by Trustee Ketelboeter, and unanimously carried by the Village Board to approve the 2016 Budget Goals, Objectives, Process, and Schedule with the modification discussed in the draft.

VII. Closed Session

1. A motion was made by Trustee Ketelboeter, seconded by Trustee Schunk, for the Village Board to meet in Closed Session at 9:40 pm pursuant to 19.85(1)(c) of Wisconsin Statutes to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility:

a. 2014 Performance Evaluation of the Village Administrator/Clerk-Treasurer.

b. 2014 Merit Pay Plan for Village Employees.

A roll call vote is required. Yes – Andreoni, Brosius, Ketelboeter, Lengfeld, Schunk, Sorensen, and Zander. No – None. Motion carried 7 – 0.

2. Reconvene into Open Session: *To take action, if appropriate, concerning the item(s) discussed in Closed Session* – Please note the following action items:

- A motion was made by Trustee Brosius, seconded by Trustee Zander, and carried unanimously by the Village Board to return to Open Session at 9:53 pm.
- A motion was made by Trustee Ketelboeter, seconded by Trustee Lengfeld, and carried unanimously by the Village Board to adopt the 2014 Merit Pay Plan for Village Employees as presented.

VIII. Adjournment

A motion was made by Trustee Ketelboeter, seconded by Trustee Sorensen, and unanimously carried by the Village Board to adjourn the meeting at 9:54 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,

Matthew G. Schuenke
Village Administrator/Clerk-Treasurer

Appendix B

Application for Conditional Use Permit Update
Incredible Cars LLC
Date of Submission: November 2, 2016

Property Description

Currently: Lot One (1) of Certified Survey Map No. 02302, recorded in the Dane County Register of Deeds office, in the Village of Cross Plains, Dane County, Wisconsin.

Proposed: Unchanged

Parcel Number: 0707-034-8047-1
Address: 2563 Main St, Cross Plains, WI 53528

Current Owner: Caryl M Zander Irrevocable Trust

Authorized Agent for purposes of this Application: Incredible Cars LLC as long-term tenant

Zoning Description

Current zoning classification: Community Mixed Use (Section 84.35) Used Car Lot

Proposed Conditional Use – Section 84.161(d)

- 1) Map – please see Attachment I
- 2) Vehicle Sales. This classification is a principal use permitted as Conditional Use under Section 84.35(c)(21). Incredible Cars has been providing quality, safety-inspected and fully functional cars, trucks, and other vehicles in a fun and clean environment to the Cross Plains community and beyond. Having more than thirteen months at the location, Incredible Cars looks for continued growth and community engagement for years to come.

No immediate changes are intended to the current building exterior or structure.

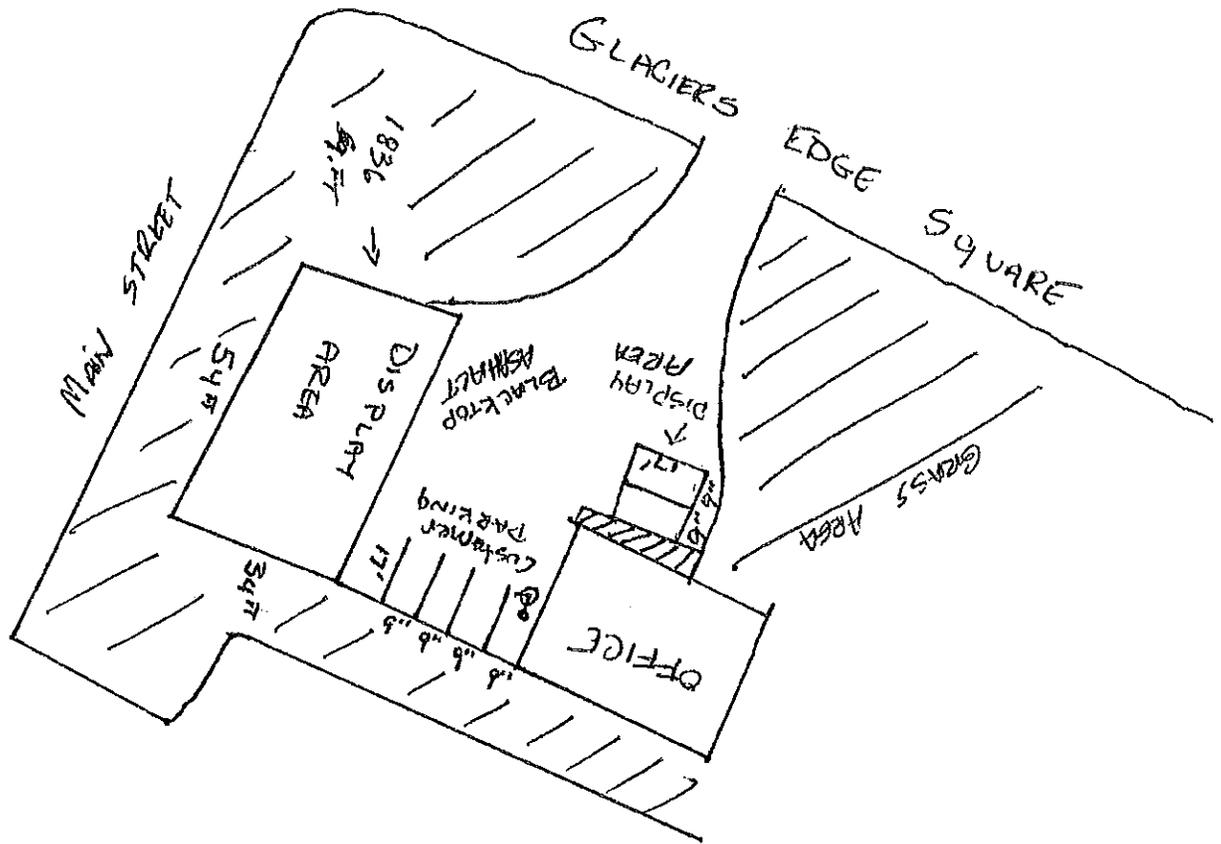
- 3) Site Plan – see attachment II
- 4) Supporting Reasons for Approval of Application
 - A. The Proposed use is consistent with Comprehensive Plan:
The proposed conditional use was determined to be consistent with the Comprehensive Plan when we opened our business. We have utilized the space and given life to the almost vacant property as it was prior to our arrival. We look to further enhance the property aesthetics with lot growth and complimenting landscaping. Our neighbors, including the Piggly Wiggly, have had nothing but positive feedback for our business and welcome our desire to optimize our property's retail space.

B. The Proposed Changes Meet CUP Standards for Approval – Section 84.589(s)

Our sale and display of vehicles will continue to be supported by an ancillary repair shop in the area.

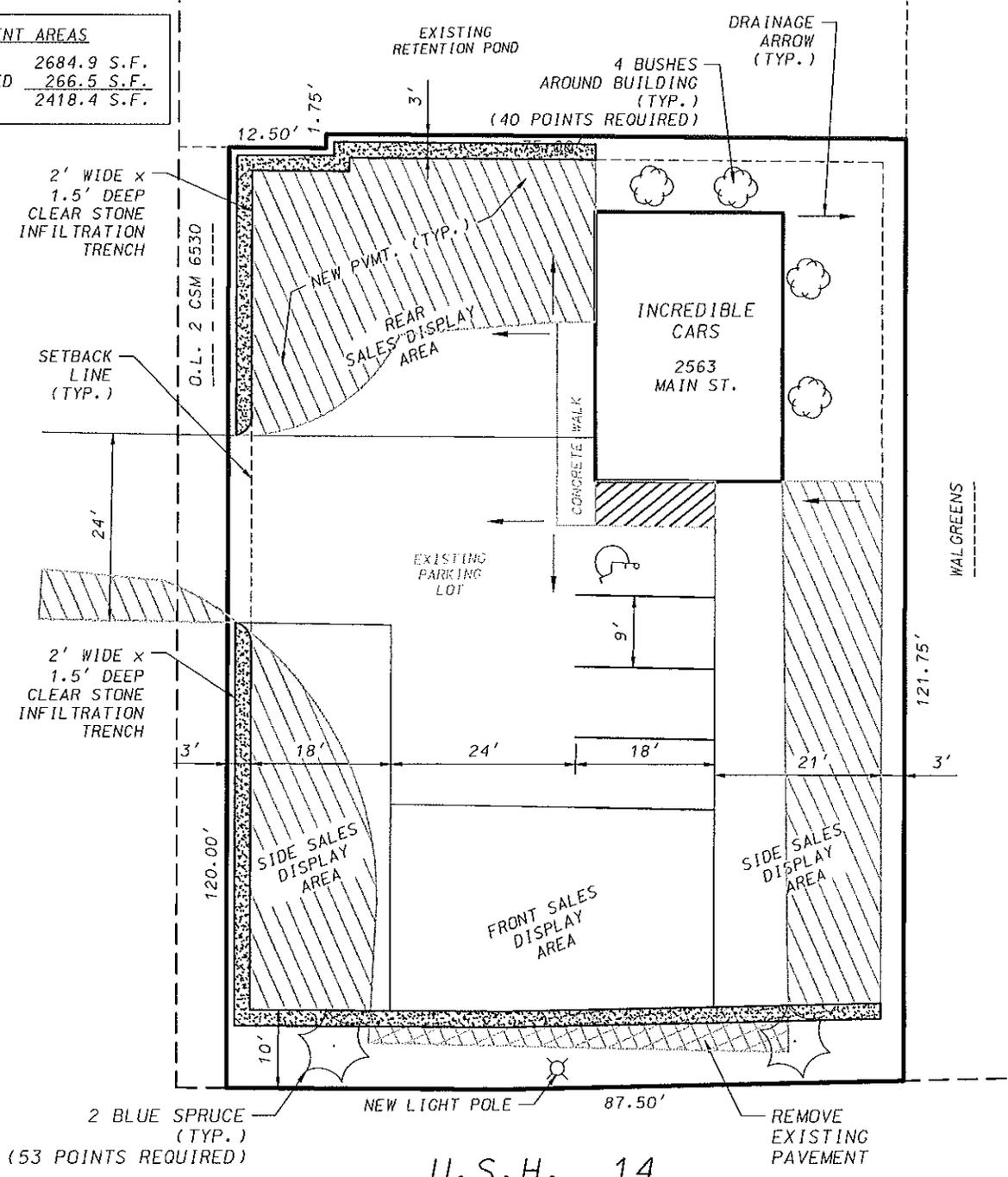
Regulations:

- (1) The outdoor vehicle sales areas are to be enclosed by painted perimeters which completely enclose all vehicles displayed outdoors. This expanded proposed sales display area is an additional 1120 sq ft adjacent to the 306 sq ft currently used to the North, totaling 1426 sq ft of Rear Sales Display area. Also an additional 900 sq ft to the west of the current 836 sq ft of Front Sales Display Area, and 1470 sq ft to the east adjacent to the current front sales display area, giving the total South lot area 3206. The total Sales Display will be an approximate 5000 sq ft.
- (2) The outdoor display is to remain on the asphalt, not conflicting with any protected green space areas, required landscaped areas, or required buffer yards.
- (3) The Facility has no abutting residentially-zoned property.
- (4) Materials will not interfere with any on-site or off-site traffic or pedestrian visibility.
- (5) Only operable vehicles shall be displayed.
- (6) Minimum required parking: The four parking spaces will be relocated as shown, which is consistent with the required parking spaces given our 1200 sq ft of building floor area.



PARKING EXPANSION SITE PLAN

PAVEMENT AREAS	
NEW	2684.9 S.F.
REMOVED	266.5 S.F.
NET	2418.4 S.F.



U.S.H. 14



D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717
 Phone: 608.833.7530 • Fax: 608.833.1089
 YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT



Scale 1" = 20'

DATE: 11-16-16
 F.N.: 16-02-127
 REV.

DRAWN BY: KRG

Appendix C

SECTION 84.35 (CMU) Community Mixed Use Zoning District.

- (a) **Intent.** This district intends to permit a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character.
- (b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (1) Mixed Use Building Residential Use
 - (2) Selective Cutting
 - (3) Community Garden
 - (4) Outdoor Open Space Institutional
 - (5) Passive Outdoor Recreation
 - (6) Essential Services
 - (7) Small Scale Public Services and Utilities
 - (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(i)
 - (9) Office
 - (10) Personal or Professional Service
 - (11) Indoor Sales or Service
 - (12) Artisan Production Shop
 - (13) Indoor Maintenance Service
- (c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (1) Single Family
 - (2) Two Flat
 - (3) Cultivation
 - (4) Clear Cutting
 - (5) Market Garden
 - (6) Indoor Institutional
 - (7) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
 - (8) Community Living Arrangement (16+ residents) meeting the requirements of Section 84.57(j)
 - (9) Institutional Residential
 - (10) Outdoor Display
 - (1) Physical Activity Studio
 - (12) Indoor Commercial Entertainment
 - (13) Outdoor Commercial Entertainment
 - (14) In-Vehicle Sales and Service
 - (15) Group Daycare Center
 - (16) Commercial Animal Boarding/Daycare
 - (17) Bed and Breakfast
 - (18) Vacation Rental Home

- (19) Commercial Indoor Lodging
 - (20) Boarding House
 - (21) Vehicle Sales
 - (22) Vehicle Service
 - (23) Vehicle Repair
 - (24) Intensive Outdoor Activity
 - (25) Transit Center
 - (26) Off-Site Parking
 - (27) Large Wind Energy System
 - (28) Large Solar Energy System
- (d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Home Occupation
 - (2) In-Home Daycare 4-8 Children
 - (3) In-Family Suite
 - (4) Residential Accessory Structure
 - (5) Nonresidential Accessory Structure
 - (6) Landscape Feature
 - (7) Recreational Facility
 - (8) Residential Kennel
 - (9) On-Site Parking
 - (10) Company Cafeteria
 - (11) Incidental Outdoor Display
 - (12) Incidental Indoor Sales
 - (13) Incidental Light Industrial
 - (14) Satellite Dish
 - (15) Personal Antenna and Towers
 - (16) Communication Antenna
- (e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements.
- (1) Accessory Dwelling Unit
 - (2) Small Wind Energy System
 - (3) Small Solar Energy System
- (f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (1) Temporary Outdoor Sales
 - (2) Temporary Outdoor Assembly
 - (3) Temporary Shelter Structure
 - (4) Temporary Storage Container
 - (5) Temporary On-Site Construction Storage
 - (6) Temporary Contractor's Project Office
 - (7) Temporary On-Site Real Estate Sales Office

- (8) Temporary Relocatable Building
- (9) Garage or Estate Sale
- (10) Farmer's Market (requires conditional use permit)

(g) Density, Intensity, and Bulk Regulations for the (CMU) Community Mixed Use District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	9,600 square feet	✓ 9,600 square feet ~10,800 sq. ft.
Maximum Density	8 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	✓ 50 feet ~90 feet
Maximum Building Coverage of Lot	50 percent	✓ 50 percent ~11.11%
Minimum Landscape Surface Ratio	30 percent	✓ 30 percent ~30%
Minimum Lot Width (per building, not unit)	80 feet	✓ 80 feet
Minimum Front Setback	25 feet	✓ 25 feet
Minimum Street Side Setback	25 feet	✓ 25 feet
Minimum Side Setback	10 feet	✓ 10 feet
Minimum Rear Setback	25 feet	✓ 25 feet
Maximum Principal Building Height	35 feet	✓ 35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	✓ 20 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	✓ 3 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	✓ 8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	✓ 10 feet N/A
Accessory Building Rear Setback	3 feet	✓ 10 feet N/A
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	✓ 20 feet N/A

NOTE: Principal building structure is fully legal under Section 84.83 - Nonconforming Structures.

See site plan.

See Appendix D.

N/A

N/A

N/A

N/A

(h) Regulations Applicable to All Uses. Most development will also be subject to the following requirements:

- ✓ (1) Article VI: Overlay Zoning Districts [See appendix E](#)
- ✗ (2) Article VII: Performance Standards [See appendix F](#)
- ✓ (3) Article VIII: Landscaping Regulations [See appendix G](#)
- ✓ (4) Chapter 87: Signage Regulations [Previously approved sign.](#)

Appendix D: Section 84.58(s)

(s)

Vehicle Sales. The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses also include an ancillary repair shop associated with the vehicle display lot and sales building. Regulations:

- (1) The outdoor vehicle sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all vehicles displayed outdoors.
- (2) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- (3) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (4) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (5) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.
- (6) Minimum required parking: One space per 300 square feet of gross floor area.

(t) **Vehicle Service.** Facilities where vehicle service is provided entirely within an enclosed building, such as an oil change shop. This shall not include Vehicle Sales or Vehicle Repair. Regulations:

- (1) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (2) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (3) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.
- (4) Minimum required parking: One space per 300 square feet of gross floor area.

See Subsection B on page 2 of appendix B for Applicant's response to these requirements.

Appendix E

A portion of this property including the building is located within Zone C of GW-O.

SECTION 84.94 (GW-O)Groundwater Protection Overlay Zoning District.

- (a) **Purpose.** The Village of Cross Plains depends on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this ordinance is to institute land use regulations and restrictions to protect the Village water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Village.
- (b) The Groundwater Protection Overlay District includes the recharge area for the Village wells that lies within the Village limits, as described in the Village of Cross Plains Well Head Protection Plan and incorporated herein as if fully set forth.
- (c) **Overlay Zones.** The Groundwater Protection Overlay District is divided into Zone A, Zone B, and Zone C, as described in the Village of Cross Plains Well Head Protection Plan.
 - (1) Zone A includes lands that lie within the 5-year Time of Travel from each Village well and all areas within 1,500 feet of each Village well.
 - (2) Zone B includes the area between the boundary of Zone A and the 25-year Time of Travel boundary for each Village well.
 - (3) Zone C includes the area between the boundary of Zone B and the boundary of the Zone of Influence for each Village well.
- (d) **Land Use Regulations for All Zones.**
 - (1) The land use regulations in this Section are in addition to the land use regulations established for the underlying zoning district.
 - ✓(2) **Prohibited Uses for All Zones.** Those uses declared to be prohibited have a high probability that such activities routinely associated with them (storage, use, and handling of potential pollutants) will cause groundwater contamination. Prohibited uses include, but are not limited to, the following uses within the Groundwater Protection Overlay District:
 - a. Septage and/or sludge spreading
 - b. Gasoline stations
 - c. Landfills or waste disposal facilities
 - d. Spray waste water facilities
 - e. Bulk fertilizer and/or pesticide facilities
 - f. Asphalt products manufacturing
 - g. Salt storage
 - h. Electroplating facilities
 - i. Paint and coating manufacturing
 - j. Hazardous and/or toxic materials storage
 - k. Hazardous and/or toxic waste facilities
 - l. Radioactive waste facilities

(e) **Land Use Regulations for Zone A.**

(1) **Permitted Uses in Zone A.** The following uses are permitted uses within Zone A of the Groundwater Protection Overlay District. Uses not listed in this Subsection or in Subsection (2), below, are considered to be prohibited uses.

- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
- b. Wildlife areas
- c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
- d. Residential, commercial, and industrial property, which is municipally sewered and free of flammable and combustible liquid and underground storage tanks

(2) **Conditional Uses for Zone A.** The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:

1. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
2. Cemeteries

(f) **Land Use Regulations for Zone B.**

(1) **Permitted Uses in Zone B.** The following uses are permitted uses within Zone B of the Groundwater Protection Overlay District. Uses not listed or referenced in this Subsection or in Subsection (2), below, are considered to be prohibited uses.

- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
- b. Wildlife areas
- c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
- d. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with the requirements of the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- e. Residential, commercial, and industrial property which is municipally sewered or has a State-approved sewer and septic system

(2) **Conditional Uses for Zone B.** The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:

- a. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
- b. Cemeteries

(g) **Land Use Regulations for Zone C.**

(1) **Permitted Uses in Zone C.** The following uses are permitted uses within Zone C of the Groundwater Protection Overlay District. Uses not listed or

referenced in this Subsection or in Subsection (2), below, are considered to be prohibited uses.

- a. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
- b. Wildlife areas
- c. Non-motorized trails, such as biking, skiing, nature, and fitness trails
- d. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with the requirements of the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- e. Residential, commercial, and industrial property which is municipally sewered or has a State-approved sewer and septic system

(2) Conditional Uses for Zone C. The following uses may be allowed as a conditional use per the requirements of Section 84.161, provided adequate groundwater protections and monitoring measures are implemented:

- a. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
- b. Cemeteries
- c. Any other use permitted by right or by conditional use in the underlying zoning district

(h) Separation Distance Requirements. The following minimum separation distances shall be maintained in the Groundwater Protection Overlay District between the well and certain land uses and facilities as follows:

- (1) 60 feet between the well and any storm sewer main.
- (2) 200 feet between the well and any sanitary sewer main, sanitary sewer manhole, lift station, or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer main where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet the then current American Water Works Association C600 specification. In no case may the separation distance between the well and any sanitary sewer be less than 60 feet.
- (3) 400 feet between the well and any septic tank or soil adsorption system receiving less than 8,000 gallons per day, a cemetery or storm water drainage pond.
- (4) 600 feet between the well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent.
- (5) 1,000 feet between the well and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum contaminated soil regulated under Wisconsin Department of Natural Resources Chapter NR 718 while that facility is in operation;

industrial commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption systems receiving 8,000 gallons per day or more.

- (6) 1,200 feet between the well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal, or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Wisconsin Department of Natural Resources Chapter NR 140 enforcement standards that is shown on the department's geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tank installations that have not received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its designated agent; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(i) **Enforcement.**

- (1) Any person, firm, or corporation who fails to comply with the provisions of this Section shall forfeit not less than \$100.00 nor more than \$500.00 for each violation, plus the costs of prosecution. Any person, firm, or corporation in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment is made, but not exceeding 30 days, or alternatively shall have those costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.
- (2) Where any of the prohibited or conditional uses listed above in Subsections (d)(2), (e)(2), (f)(2), or (g)(2) exist within the Groundwater Protection Overlay District on the effective date of this ordinance, such uses shall be treated as nonconforming uses and any expansion thereof shall be prohibited. However, owners of these facilities may be allowed to upgrade the facilities to facilitate or enhance groundwater protection with approval of the Village Board. The procedures and standards for obtaining a conditional use shall be applicable to any such approval.

The proposed site plan will need to comply with the standards below, currently no information has been submitted to satisfy this area of the code. Staff recommends adding the requirement to comply with this code as a condition on the permit.

SECTION 84.106 Exterior Lighting Standards.

- (a) **Purpose.** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (b) **Applicability.** The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way and/or lighting located on public property.
- (c) **Review and Approval.** Through the site plan review process (see Section 84.164), the Plan Commission shall review and approve all development for conformance with this Section.
- (d) **Depiction on Required Site Plan.** Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property.
- (e) **Exterior Lighting Requirements.**
 - (1) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement. Lights directed toward the sky are prohibited except for the purpose of illuminating flags of the United States or State of Wisconsin.
 - (2) Flashing, flickering and/or other lighting which may distract motorists are prohibited.
 - (3) **Intensity of Illumination.**
 - a. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles above ambient lighting conditions on a cloudless night.
 - b. The maximum average on-site lighting in non-residential zoning districts shall be 2.5 foot-candles.
 - c. The maximum average on-site lighting in residential zoning districts shall be 1.0 foot-candles.
 - d. The following exceptions shall be permitted:
 - 1. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 4.0 foot-candles, provided that the amount of illumination does not exceed 6.0 foot-candles on any location on the site.
 - 2. The maximum average on-site lighting of auto display lots and gas station pump islands is 15.0 foot-candles, provided that the amount of illumination does not exceed 25.0 foot-candles on any location on the site. All under-the-canopy fixtures shall be fully recessed. After-hours lighting shall be dimmed to no more than 2.5 foot-candles.

- e. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses.
- (4) **Fixtures and Luminaries.**
- a. Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. Exempt from this requirement are any fixtures using an incandescent bulb of 100 watts or less, or its equivalent.
 - b. Light fixtures shall not be located within required bufferyards.
 - c. Total cut-off luminaries with angles of less than 90 degrees shall be required for pole and building security lighting to ensure no fugitive up lighting occurs.
 - d. The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
 - e. The maximum fixture height in the SR-1, SR-3, SR-4, SR-5, DR-6, MR-8, MR-16, NMU, MSMU, CMU, BP, and LI districts shall be 16 feet. The maximum fixture height in the RH-35, GI, and ME shall be 25 feet.
 - f. All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal conforming.
- (5) All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.25 foot-candles.
- (6) Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit (see Section 84.162).

Appendix G

SECTION 84.133 Landscaping Requirements.

Landscaping shall be provided based on the following requirements for street frontages, paved areas, and bufferyards. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. In calculating the number of required landscaping points under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this section (for example: 23.3 canopy trees) shall be rounded up to the next whole plant (for example: 24 canopy trees).

(a) Building Foundations.

- (1) For every 100 linear feet of building foundation, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 84.133a.
- (2) Tall trees shall not be used to meet building foundation landscaping requirements.
- (3) Building foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation.

(b) Paved Areas.

Determination based off of approx. 5,000 sq. ft. that 40 landscaping points needed.

✓ For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement), landscaping shall at a minimum meet the number of landscaping points specified in Figure 84.133a.

✓ Paved area landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the paved area. Said area does not have to be provided in one contiguous area. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.

✓ A minimum of 30 percent of all points shall be devoted to medium or tall trees, or a combination of such trees, and a minimum of 40 percent of all points shall be devoted to shrubs. [See memo for staff analysis of landscaping plan.](#)

✗ Parking Lot Design.

- a. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
- b. Parking spaces must be broken by a tree island at the rate of one island for each linear row of 12 parking spaces for single-row or peninsula configurations, or for each 24 parking spaces in double row configurations.
- c. All tree islands and landscaped areas with trees shall have a minimum of 9 feet as measured from outside the curb or frame.

- d. All landscaped areas without trees, but planted with shrubs, shall have a minimum width of 3 feet measured from inside the curb or frame.

 Parking lots adjacent to residential properties shall provide opaque screening of vehicle lights to a minimum height of four feet. Screening devices may include a fence, berm, and/or evergreen trees.

(c) **Street Frontages.**

- (1) For every 100 linear feet of street frontage of a developed lot abutting a public street right of way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 84.133a.
- (2) Street frontage landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the public street right of way.
- (3) Unless meeting the requirements in Section (6) below, landscaping shall not be located within a public right of way. Landscaping shall not impede vehicle or pedestrian visibility. See Section 84.103.
- (4) Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50 percent of all points shall be devoted to decorative or medium trees, or a combination of such trees.
- (5) For all lots not meeting the requirements of this Subsection as of the effective date of this Chapter, the following shall apply:
 - a. For additions to floor area, landscaping installed shall be equal to the percent increase in new floor area. New floor area shall be defined as the square footage of the addition divided by the square footage of the existing building.
 - b. For additions to paved areas, landscaping installed shall be equal to the percent increase in new paved area. New paved area shall be defined as the square footage of the addition divided by the square footage of the existing paved area.
- (6) The Village may require the street frontage landscaping to be placed within the right-of-way and shall collect fees to purchase and install such landscaping.

(d) **Yard Areas.**

- (1) For every 1,000 square feet of gross floor area, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 84.133a.
- (2) Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards.
- (3) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

Appendix H

SECTION 84.161 Conditional Use Permit Procedures.

- (a) **Purpose.** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- (b) **Applicability.** There are certain uses, which because of their unique characteristics make impractical the predetermination of permissibility. In these cases, specific standards, regulations, or conditions may be established.
- (c) **Initiation of Request.** Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.
- (d) **Application.** An application for a conditional use permit shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
 - ✓ A map of the subject property to scale depicting:
 - a. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.
 - b. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County.
 - c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 - d. All lot dimensions of the subject property.
 - e. A graphic scale and a north arrow.
 - ✓ Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations.
 - ✓ A site plan of the subject property if proposed for development conforming to all requirements of Section 84.164. If the proposed conditional use is a group or large development (per Section 84.118), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan.
 - ✓ Written justification for the proposed conditional use, including evidence that the application is consistent with the Comprehensive Plan.
 - ✓ For Group and Large Development, a Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the Village if deemed necessary by the Village Engineer.
- (e) **Review by Zoning Administrator.**
 - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(2) The Zoning Administrator may coordinate review with the Village's Development Review Team.



The Zoning Administrator shall review the completed application and evaluate whether the proposed conditional use:

See memo for detailed Zoning Administrator evaluation.



Is in harmony with the recommendations of the Comprehensive Plan.



Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.



The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.



The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

See memo.



The Zoning Administrator shall prepare a written report addressing items (e)(3)a.-e. above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.



Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 84.158 to consider the request. [App. Date: Nov. 2nd, finalized on Nov. 16th.; Class 1 Notice: Nov. 24th; Hearing Date: Dec. 5th](#)

(g)

Review and Recommendation by the Plan Commission.

(1) Within 60 days after the public hearing, the Plan Commission may make a written report to the Village Board, and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (e)(3)a.-e. above.

(2) If the Plan Commission fails to make a recommendation within 60 days after the public hearing, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive a recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is

necessary, the Village Board shall provide notice per the requirements so Section 84.158.

(h) **Review and Action by Village Board.**

- (1) The Village Board shall consider the recommendation of the Plan Commission regarding the proposed conditional use. The Village Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, applicant, and/or from any other source.
- (2) The Village Board may take final action (by resolution) on the application at the time of its initial meeting or may continue the proceedings at applicant's request. The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use.
- (3) If the Village Board wishes to make significant changes in the proposed conditional use, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action.

(i) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(j) **Revocation of an Approved Conditional Use.** Upon approval by the Village Board, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 84.164. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in Subsection (i), above.

(k) **Time Limits on the Development of Conditional Use.** Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of its approval by the Village Board and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by the Village Board). However, as a condition of approval, the 365 and/or 730 day time limits may be extended for any specific

period including not time limit to accommodate phased or multi-stage development.

- (l) **Discontinuing an Approved Conditional Use.** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- (m) **Change of Ownership.** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property; however, submittal of a plan of operation may be required prior to the change in ownership.
- (n) **Modification, Alteration, or Expansion.** Modification, alteration, or expansion of any conditional use without approval by the Village Board, shall be considered in violation of this Chapter and shall be grounds for revocation of said conditional use approval per Subsection (j), above. A modification, alteration, or expansion which has been approved as part of a prior valid condition use does not require a new conditional use approval.
- (o) **Recording of Conditional Use Requirements.** Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Village, at the applicant's expense, with the Register of Deeds for the subject property.
- (p) **Formerly Approved Conditional Uses.** A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.
- (q) **Limited Conditional Uses.** A limited conditional use is any development, activity or operation for which a conditional use permit has been approved that is limited to a specific operator or property owner, or to a specific date or event upon which the conditional use permit either expires or is required to be reviewed and reapproved. The Plan Commission may recommend, and the Village Board may designate, any proposed conditional use request as a limited conditional use. The Plan Commission shall specify which of the following characteristics are present that create the need for the limited conditional use:
 - (1) A particular aspect of the specific land use.
 - (2) A particular aspect of the proposed operation (including, but not limited to, operating hours).
 - (3) A particular aspect of the proposed location.
 - (4) A particular aspect of the proposed site design.
 - (5) A particular aspect of the adjacent property or of the surrounding environs.

- (6) Any other reason(s) the Village Board deems specially relevant and material.
- (r) **Successor Conditional Uses.**
- (1) **Definition.** A successor conditional use is a land use which has been granted a conditional use permit by the Village, which is proposed to undergo one or more of the following:
- a. Changing from the specific use originally permitted by conditional use to another operation of the same use. (For example, changing from one restaurant to another is permitted. However, changing from a restaurant to a tavern is not permitted even though both are considered Indoor Commercial Entertainment land uses under Section 84.58(d). Likewise, changing from a drive-through restaurant to a drive-through bank is not permitted, even though both are considered In-Vehicle Sales and Service under Section 84.58(i).
 - b. Only a change in the ownership of the subject property.
 - c. Only a change in the ownership of the business or other operator of the land use.
 - d. Other changes explicitly identified in a currently valid conditional use permit which are identified as acceptable as a successor conditional use.
- (2) **Purpose.** The purpose of these provisions is to create a process which:
- a. Verifies that the proposed change is a valid successor conditional use.
 - b. Creates a record that the proposed change is recognized by the Village as a successor conditional use.
 - c. Clarifies that the same conditions of approval, development and operation continue to apply to a successor conditional use.
 - d. Reduces the costs and time needed to approve a successor conditional use;
- (3) **Approval Process.** A successor conditional use shall not require the granting of a new conditional use permit by the Village. However, prior to operation, a successor conditional use shall require the formal reaffirmation of its status as a valid successor conditional use. This required formal reaffirmation shall be issued in writing by the Village Zoning Administrator, or by the designee of the Village Zoning Administrator.
- (4) **Proposed Expansions are Not Eligible.** Any physical enlargement of a previously approved conditional use in terms of buildings, structures, activity areas, and/or any expansion of the conditions of operation, beyond the limits of site plans, floor plans and conditions of operation approved through the conditional use process, shall not be eligible for treatment as a successor conditional use, and must seek an amendment to its conditional use permit through the conditional use process.

- (5) **Ineligible Land Uses.** The following land uses are not eligible for treatment as a successor conditional use, and shall require approval of a new limited conditional use permit which is specific to both the business owner and to the property owner:
- a. Intermediate Home Day Care (9-15 children) land uses in residential zoning districts.
 - b. Bed and Breakfast land uses in residential zoning districts.

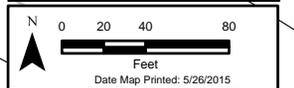
Village of Cross Plains

Glaciers Edge Square

Main Street

W Brewery Road

- LEGEND
- Streets
 - Tax Parcels (Static)
 - Municipal Boundary
 - Lakes
 - Rivers



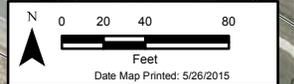
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 - Rivers



Date Map Printed: 5/26/2015



Incredible Cars Conditional Use Permit
Public Hearing Notice Distribution

Parcel #	Name	Address	City	State	Zip Code	Notes
0707-034-8047-1	Caryl M Zander Irrev Tr.	9640 Moen Valley Rd	Black Earth	WI	53515	Property Owner
0707-034-8047-1	Current Resident	2563 Main Street	Cross Plains	WI	53528	Subject Property
0707-034-8460-1	James & Annette Dowd	PO Box 1159	Deerfield	IL	60015	within 100'
0707-034-8020-1	Lancasters Real Estate of Cross Plains LLC	28 Glaciers Edge Square	Cross Plains	WI	53528	within 100'
0707-034-8056-0	Glaciers Edge LLC	5440 Willow Rd., Suite 101	Waunakee	WI	53597	within 100'
0707-034-8015-9	Glaciers Edge LLC	5440 Willow Rd., Suite 101	Waunakee	WI	53597	within 100'
0707-034-8085-5	State Bank of Cross Plains	1205 Main Street	Cross Plains	WI	53528	within 100'
0707-034-8065-9	Judity A Sonnemann	2543 Main Street	Cross Plains	WI	53528	within 100'
0707-034-8430-1	WI DNR	PO Box 7921	Madison	WI	53701	within 100'
	Town of Cross Plains	3734 County Road P	Cross Plains	WI	53528	within 1,000'



VILLAGE OF CROSS PLAINS

2417 Brewery Road, PO Box 97 • Cross Plains, WI 53528 • Phone (608) 798-3241 • Fax (608) 798-3817

November 17, 2016

RE: Proposed Conditional Use Permit Application for Incredible Cars LLC located at 2563 Main Street

Dear Property Owner and/or Resident:

Please find on the back of this letter the public hearing notice for a proposed Conditional Use Permit for Incredible Cars LLC to be located at 2563 Main Street. The permit is required in order for a Vehicle Sales use to be allowed at this location.

You are receiving this notice because you either reside or own property within the vicinity of the proposed conditional use permit.

Please contact me if you have any questions, (608) 798-3241 x 105.

Sincerely,

Caitlin Stene
Zoning Administrator

VILLAGE OF CROSS PLAINS

2417 Brewery Road
Cross Plains, WI 53528
(608) 798-3241

Plan Commission – Public Hearing Notice

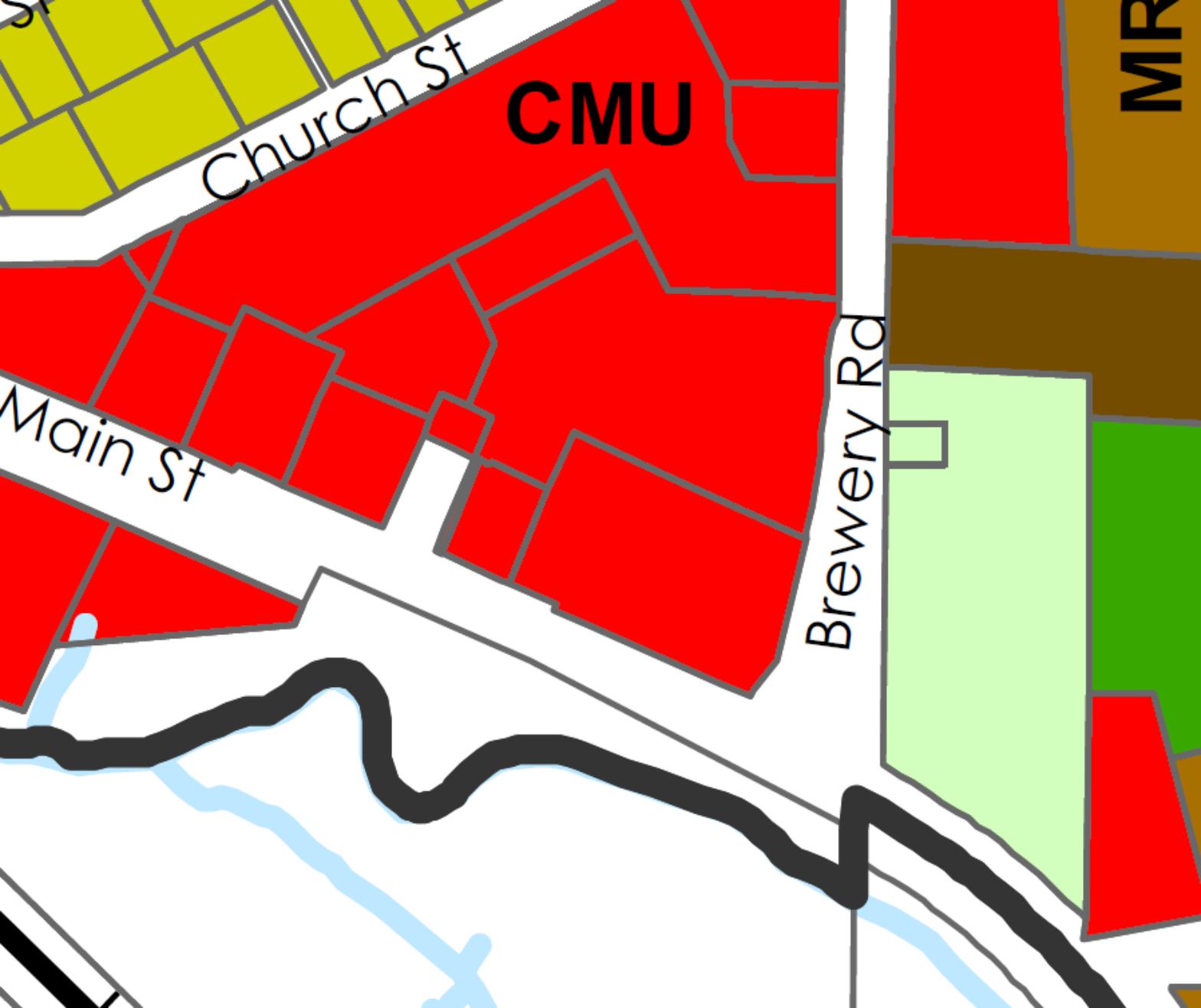
Notice is hereby given that a public hearing will be held at the Village Hall located at 2417 Brewery Road, Cross Plains, WI 53528 at 7:00 pm on December 5, 2016 before the Plan Commission regarding the following items:

1. A request from Incredible Cars, LLC for a Conditional Use Permit as a Vehicle Sales use located at 2563 Main Street.

Dated this 24th day of November, 2016.



Caitlin Stene
Administrator/Clerk



Church St

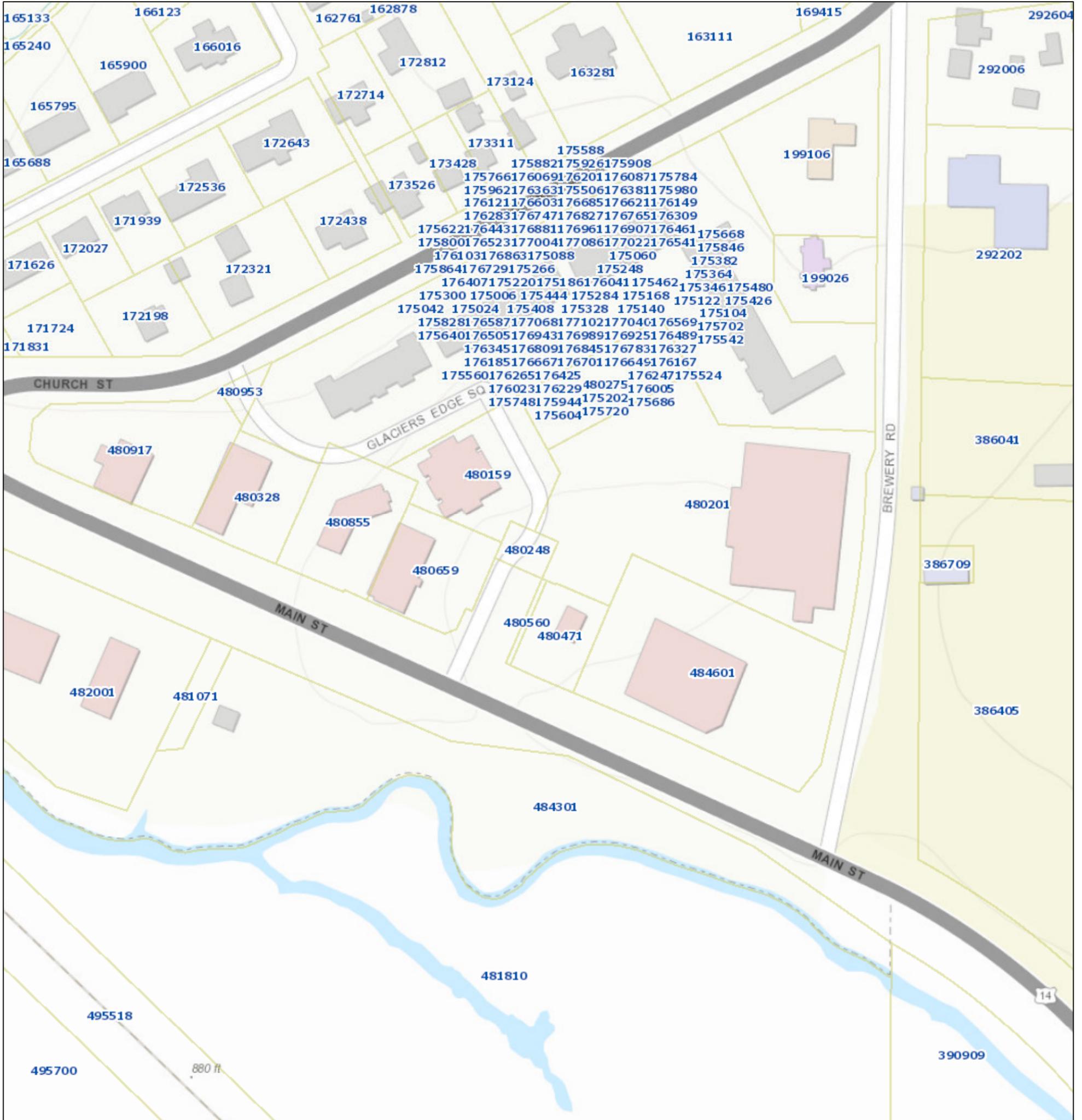
CMU

MR

Main St

Brewery Rd

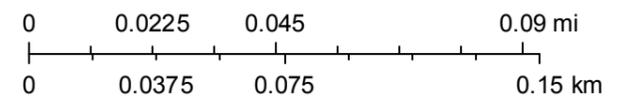
Incredible Cars CUP 2016



December 2, 2016

1:2,071

- Parcel Number
- Tax Parcels



Planning
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the